

Article - Education

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§18–1907.

- (a) In this section, “fiduciary” means:
 - (1) A member of the Board; or
 - (2) An employee of the Program or the Trust who exercises any discretionary authority or control over:
 - (i) The management or administration of the Trust; or
 - (ii) The management or disposition of the assets of the Trust.
- (b) A fiduciary shall discharge the fiduciary’s duties with respect to the Trust:
 - (1) Solely in the interest of the participants;
 - (2) For the exclusive purposes of providing benefits to the participants and providing reasonable expenses of administering the Trust;
 - (3) With the care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character with like aims;
 - (4) By diversifying the investments of the Trust so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;
 - (5) In accordance with the laws governing the Trust; and
 - (6) In accordance with the documents and instruments governing the Trust to the extent that the documents and instruments are consistent with this subtitle.
- (c) In exercising authority, control, or discretion with respect to the Trust, a fiduciary may not:
 - (1) Use the assets of the Trust for the fiduciary’s own interest or account;

(2) Act in a transaction involving the Trust on behalf of a person, or represent a person, if the interests of the person are adverse to the interests of the Trust or the interests of participants;

(3) Receive any consideration for the fiduciary's own account from a person dealing with the Trust in connection with a transaction involving the assets of the Trust; or

(4) Become an endorser or surety or, in any manner, an obligor, for money lent to or borrowed from the Board.

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